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The Week

THE United States has again been reminded of the disappearance of some 187 million dollars. The Senate Judiciary Committee has found out a large part of the story of this disappearance from Mr. Nicholas Kelley, Assistant Secretary of the Treasury. Here it is: Up to the Bolshevik revolution, the United States had advanced to the Kerensky government a total of 187 million dollars, much of which was spent in payment for war supplies ordered by the Provisional, or the Tsar's government. On November 7th, 1917, when the Bolsheviks seized power, 56 millions remained. To this 3 millions more were added later. What happened to these 59 millions, credited to a government that vanished three years ago? Mr. Kelley says only a few hundred thousand dollars remain. The bulk of it has been drawn out of the National City Bank bit by bit, with the approval of the Treasury Department. This oozing away of 59 million dollars toward the support of a hypothetical government caused some alarm, which Mr. Bakhmetiev and the State Department hastened to dispel. "Every penny of this money," says Mr. Bahkmetiev, "was paid by me on Russian government contracts in the United States. None of it was used . . . for the Russian Embassy." And the Treasury Department saw to it that all the money went to liquidate specific contracts between Americans and the Russian government. And so the odor of scandal seems to evaporate.

BUT let us go a little further before it evaporates entirely. Mr. Bahkmetiev said that none of the money had been used "for the Russian Embassy" in Washington. What then has the Russian Embassy and its Ambassador, secretaries, consuls, agents, manservants and maidservants been living on? Mr. Frank Polk, formerly Under Secretary of State, knew the answer to this in the summer of 1919: "They live," he said, "on sales of their own supplies." These supplies, to the value of many millions, were of no use when Russia dropped out of the war, and certainly none of them were ever sent to Russia after the Bolshevik Revolution. Since they were of no use to the government that owned them, why should not the United States government have paid for them direct? The mystery has certainly not been fully revealed. The final chapters, How many million dollars worth of supplies did Mr. Bakhmetiev sell, and What did he do with the money, remain to be told.

IN the New York State Legislature a bill has been introduced to punish with a fine of not more than $10,000 and imprisonment from one to five years any person who tries to bribe a baseball player, or any ball player who accepts this sort of dirty money. Even if we admit—and we are quite willing to—that few things would come nearer breaking the heart of America than the degradation of its favorite game, the penalties seem a trifle exaggerated. This bill—we have little notion it will pass as it is—would make baseball bribery subject to the same penalty, or to a severer one, than is now imposed for third degree forgery,

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bigamy, second degree assault, petty larceny, seduction, abortion. If you violate the health laws, one year and two thousand fine at most; if you make your employees work longer than is legal, it will cost you $500 to $1,000; if you fail to comply with the fire escape laws or sell food you know to be rotten, you are committing a misdemeanor. But if you should try to bribe Babe Ruth to hit only one home run on the Fourth of July, you may some day spend five years behind the bars for it. Well, it may not be to the credit of Americans that they should think the pollution of their sport more villainous than many crimes, but this passion for honesty in circenses is deep-rooted in our people, and is likely so to remain, and there's not much any one can do about it.

A COUPLE of weeks ago the Sheppard-Towner maternity bill—a measure to save, by federal aid to the states, the lives of women and children—was reported out of committee in the House of Representatives. But its path is not yet clear. At this writing, the House Committee on Rules is delaying the fixing of a date for the final vote. Five of the Committee's twelve members are known to be actively hostile to the bill's passage. Forty state legislatures are now in session, and most of them meet biennially. The cooperation of the states is necessary to make the bill a success, and if because of hostility in Congress the bill fails of passage now, it will have to wait another two years. And meanwhile, who would answer the angry question of women—"Why do these Congressmen wish mothers and babies to die?"

TO a long series of reactionary labor decisions the Supreme Judicial Court of Massachusetts has recently added one which should give Messrs. Gary and Atterbury a thrill of surprise and delight. Thirteen foundrymen in a shop in Fall River went on strike. After negotiation, shop conditions were satisfactorily adjusted, and twelve of the men returned to work. The thirteenth, who had taken an important part in the strike, was discharged, "because of his attitude" during the negotiation. The foundrymen, considering the discharge an attack upon the integrity of their union, struck again. The employer obtained an injunction restraining the twelve from "continuing the strike." The men appealed to the Supreme Court. "The only issue before us, on this appeal," that judicial body stated, "is whether a strike to compel the plaintiff to employ a discharged workman is a lawful strike." It concluded that such a strike was unlawful, and sustained the injunction.

ANTI-UNION employers in Massachusetts will not be slow to grasp the opportunity. A few spies well placed in the shop, a black list of active unionists, half a dozen discharges, an injunction against the ensuing strike and the trick is done. The decision takes away from the union its only weapon of defense, and leaves it helpless while its leaders are picked off. Every instinct of fair play and honorable dealing revolts at such a decision. Those who are incredulous may find the case under the title, Mechanics Foundry & Machine Co. v Lynch, in Volume 128 of the Northeastern Reporter, page 877, published January 4th, 1921.

IN the system of coercion of the individual by the big employer, the "individual contract" plays a large part, and by giving Constitutional sanction to this arm in the war against trade unionism, our courts take a terrible turn in the legal screw against the worker. In the English courts a different spirit, more perceptive of reality, is manifest. Take these words of Lord Younger, in disposing recently of an action by an employer who sought to enforce a contract whereby his employee bound himself in favor of his employer:

> This system of printed covenants prepared beforehand for signature by every future employee, irrespective of the nature of his employment or his personal qualifications, is to be deprecated in the interest of fair play, and the system is only likely to disappear if it be thoroughly understood by employers that such covenants will not be assisted where in their integrity they are found to be oppressive.

Wise words, for, as our own Mr. Justice Holmes put it: "Liberty of contract begins where there is equality of bargaining power."

A SUIT for $250,000 damages has been filed against A. Mitchell Palmer and Anthony Caminetti, the Commissioner General of Immigration. The complaint is brought by Branislava Marcinak, whose husband, Mike Marcinak, was dragged from his bed at one o'clock, January 2nd, 1920, during one of the "red raids," was taken from the house while insufficiently clothed, and as a result died of pneumonia in prison three weeks later. Marcinak—who, by the way, had been a member of the A. E. F.—was not allowed to send word to his family or to a lawyer. His wife complains that she was not allowed to see him when he was dying. Technically, Mr. Palmer's agents are accused of arrest without warrant, trespass, unlawful search and seizure of property, and inhuman treatment of a prisoner in violation of the law.

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THIS is not the first suit of the kind brought against Mr. Palmer. Several weeks ago he and some of his agents were sued for $100,000 damages on behalf of the widow and small children of Andrea Salsedo, an Italian printer arrested for supposed complicity in the explosion that wrecked Mr. Palmer's Washington house in 1919. Salsedo was held without hearing from May to March, 1920, in the Department of Justice's New York offices, and finally killed himself by jumping from the fourteenth floor. Affidavits in the case state that Salsedo was given the "third degree," and tortured physically and mentally, until a fit of suicidal despondence overwhelmed him. While locked up Salsedo said to his wife: "I do not see how they did not kill me. They beat me so hard."

THE first real fruit of the Lockwood Investigation has been plucked, if not yet actually eaten. Though Brindell is not yet in jail, at least he has been convicted of extortion, and for that may spend anywhere from seven to fifteen years out of harm's way. But this is only the first fruit: many other lemons, contractors, employers, remain to be gathered. And little is to be gained if the tree that grew them is left standing: individuals may go to jail, yet the system, a complexity of the greed and folly of many men, may remain. The system has been severely shaken, perhaps so much that it will never fully recover its prosperity, but it is not yet destroyed. Under this system New York's houses were built. Some more convictions and sentences may help to finish it, but it can never quite die until something else is ready to take its place.

NO other technique in the world seems to improve at such a pace as that of war. The Utopia of the artists of war advances daily nearer. General Maitrot, a Frenchman, has made a forecast of the future that is half vision and half possibility. France, he says, has since the armistice developed projectiles so powerful that a dozen of them would wipe out a city the size of Berlin. Another type of bomb, lately perfected, will infallibly sink a cruiser at sea if exploded within a hundred feet of it. The Germans—General Maitrot seems to have certain information of this—are no more idle: the Krupp engineers have completed a 309 mm. quick-firing, soundless gun. They are working on a model half way between the French 75 mm. and the German 77 mm. field gun, with a range of 10 kilometers, and are trying to make it soundless as well. With soundless guns and sightless statesmen the next war will be even more glorious than the last.

WHEN M. Krassin left London for Moscow a few weeks ago, he plainly hinted that the political clauses of the trade agreement with Great Britain would be unacceptable to his government. The British government demanded the cessation of Russian propaganda in the East. Now a note from M. Chicherin asks the British government to stop anti-Russian activity in Persia, Afghanistan, Poland, Germany, Rumania, and elsewhere. He demands that "Russia and Great Britain shall reciprocally engage themselves to respect the independence and integrity of Persia, Afghanistan, and territory of the Turkish National Assembly." Apparently Russia finds little to disagree with in the purely commercial clauses of the agreement. The political questions in dispute can hardly be settled except by a formal peace discussion, and that is what the Chicherin note is really asking for.

A Year Under the Esch-Cummins Law

THE Esch-Cummins transportation law has been in force substantially a year, and it is now possible to make a provisional appraisal of the results it has achieved, and to compare those results with the anticipations of its sponsors, and the forewarnings of its critics.

The act is to be judged by its success in dealing with the three basic problems of rail transportation, the traffic problem, the financial problem, and the labor problem. During the war, the wise policy of McAdoo and Hines had successfully dealt with these problems, the first by a national pooling of traffic, the second by government financing, the third by securing the cooperation and allegiance of the unions of railway employees. In the discussion which preceded the enactment of the Esch-Cummins law, Mr. Hines urged upon Congress what was in effect a continuation of this threefold policy.

As a temporary solution, he urged a continuation of federal control for five years. As a permanent policy, he urged a radical compulsory reorganization of the corporate and financial structure of the railroads, coupled with participation of labor in management. He pointed out that a system which left the control of railway operation in the hands of a multitude of competing corporations, unequal in size, strength and resources, and each pursuing competitive rather than national advantages, was destructive of operating efficiency and sound finance. He prophesied that any plan of mere per-

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missive consolidation was surely doomed to failure.

It is matter of history that Congress rejected his advice at almost every point. It rejected the policy of unified operation, and substituted the policy of competitive operation. It rejected all proposals looking toward a financial reorganization of railway systems by eminent domain, and threw the railways back, after a temporary guarantee of earnings, upon their own financial resources. It refused to grant to labor any real participation in management, and the nominal participation which the Senate leaders offered them was rejected by the unions. For a solution of the traffic problem the Esch-Cummins law relied upon the superior efficiency of private competitive operation, coupled with a potential emergency control by the Interstate Commerce Commission. For a solution of the financial problem, it relied upon a temporary guarantee, and a revision of the formula of rate-making to be applied by the Interstate Commerce Commission. For a solution of the labor problem it relied upon an elaborate scheme of conference and arbitration.

From the traffic point of view, the test of the law came without delay. During the war, the roads were operated as a unit, and traffic was routed from the point of view of efficiency. An unprecedented volume of traffic was carried, despite the fact that railway equipment was in a deplorable state. With the return to private management, each railway began to watch out for its own advantage. The old system of circuitous routing and the old scramble for traffic was revived. Soon after the end of federal control the crisis came. All through the spring and well into the summer, railway traffic was in a hopeless state of congestion. Gateways and terminals were blocked with freight cars, goods accumulated in the warehouses. The situation became so bad that the railways themselves appealed to the Interstate Commerce Commission to restore the federal control of traffic which had so recently terminated. It was not until the industrial depression was upon us and the volume of traffic began to decline that transportation again approached normal.

So far as the financal problem and the labor problem are concerned, the law seemed at first to promise a greater measure of success. The government guarantee averted a collapse of railway securities during the disorganized period of congestion and "outlaw strikes" in spring and early summer, and the revolving fund took care of urgent financial necessities. The wage arbitration machinery was painfully slow in getting in motion, but the decision finally rendered was generally satisfactory. The ensuing rate increases granted by the Interstate Commerce Commission put the financial community into a hopeful frame of mind. In these two aspects at least, the Esch-Cummins law seemed to be a success.

The startling events of the past two weeks have shown that these sanguine hopes were groundless. Instead of peace between railway corporations and employees, the opposing camps are again arming themselves for war. Managements are threatening and carrying out wholesale discharges and wage reductions. Employees are threatening strikes. In place of a gradual financial improvement under the new rates, we have Mr. Atterbury's startling prophecies of bankruptcy, and Mr. Cuyler's statement that in the month of January forty per cent of the railway mileage of the country failed to earn operating expenses and fixed charges.

It is not fair to say, of course, that the financial crisis is the result of the Esch-Cummins law. It springs from the low volume of railway traffic due to the prevailing industrial depression. It is a fair statement, however, that the financial crisis demonstrates the worthlessness of the Esch-Cummins law as a solution of the financial problem. The criticism which was directed against the law has in this respect been fully borne out. When the law instructed the Interstate Commerce Commission to fix rates which would bring the railways a return of five and a half or six per cent, it was requiring an impossibility, for no one on earth can tell what return a given rate will bring. It all depends upon the volume of traffic. Given a period of continued prosperity, the rates fixed by the Commission might have been enough to produce the desired revenue. Instead we had a depression, and many of the railways are again approaching insolvency. To what extent high railway rates contributed to the depression we can only speculate. What is certain is that the depression has come, and that railway finances are as bad as they were before. The critics of the Esch-Cummins law were right when they pointed to the unstable financial condition and discredited financial management of the railways, and urged that only government financing could put the railway system in a position to meet the uncertainties of the future.

So far as the labor situation is concerned, the machinery of the Esch-Cummins law has not yet been put to its final test. The question of wages has been handled with apparent success. Perhaps, despite its limited powers, the Railway Labor Board will succeed in reaching and enforcing a fair solution of the tangled problem of rules and working conditions. It is significant, however, that the position taken by Mr. Atterbury, as representative of the railway companies, in the hearings now pend-

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ing before that board, is a direct repudiation of the labor machinery set up by the Transportation act. During the war, it will be recalled, a series of agreements was entered into between the Director General and the railway organization, containing an elaborate code of working rules governing the whole field of railway labor. In issuing its wage award, the Railway Labor Board stated in substance that the award was based upon the assumption that the rules embodied in these agreements would continue in force, until they should be altered after due investigation by the board. It is obviously the proper function of the board to hear complaints with respect to those rules, and after investigation to make further awards modifying them insofar as they prove unfair or harmful to the public. The railway companies, however, instead of submitting their case to the board upon its merits, are vociferously demanding that the board, summarily and without even taking time for investigation and deliberation, abrogate those agreements, reinstate the rules and working conditions prevailing at the end of 1917, and remit the whole question to negotiation between the individual railroads and their employees. The real purpose of Mr. Atterbury's demand is to induce the Labor Board to abdicate its jurisdiction and clear the way for a resort to force.

There is much evidence to support the railway employees' contention that Mr. Atterbury's demand is merely a manoeuvre in a determined and carefully planned campaign to stamp out the unions of railway shop and maintenance workers, and the other weaker unions of railway employees. Lacking the stability and resources of the older railway brotherhoods, their strength has come mainly from the national agreements which the railway companies are trying to break down. Coincident with the attack upon these national agreements came reports from all sections of the country that railways were laying off large numbers of their shopmen, and contracting out their repair work to outside railway equipment concerns, at prices high enough to cause an investigation by the Interstate Commerce Commission. Nor is it without significance that the railway executives who acted as spokesmen for the railways during the war appear now to have been relegated to the background, while the new leadership has fallen to a man who has long been a persistent and powerful foe of organized labor.

If the Railway Labor Board yields to Mr. Atterbury, it will clearly demonstrate that the labor provisions of the Esch-Cummins law are of no greater value than the traffic provisions and the financial provisions.

Economics of the Indemnity

WHATEVER else the agreement of the Allied premiers may mean, one thing that it means obviously is that there is to be no limit upon the exactions of the victors except Germany's ability to pay. It is accordingly futile to discuss the morals of the indemnity question any further. It has become wholly a matter of economics. How much can Germany pay, and in what form? What will be the remoter effects of such payments upon the rest of the world? These are questions that even the least international minded American will sooner or later have to put to himself. For when European statesmen talk about indemnities, they have an eye on the American money market. The French government can not wait upon tardy annual indemnity payments to repair the ruin done by the war in the occupied territories. The capital, not the income, of the indemnity would alone suffice for the gigantic outlays involved in rehabilitation. But the indemnity can become available as a capital only if the financial markets of the world and, as matters stand, especially the financial markets of America, look upon it as a reasonably conservative investment. Are Americans ready to urge the government to take French indemnity claims, as defined by the Allied premiers, in lieu of the French notes now held in the national treasury? Are they willing to invest their private savings in paper based on the German indemnity? Those are the terms in which they can express a realistic opinion on the practical quality of the indemnity settlement.

The first point to be considered is the amount of wealth Germany can be expected to produce above the costs of keeping her productive machine going. Here we are dealing with extreme uncertainties, to be sure. Every one is familiar with the pre-war estimates of German national wealth and income. Those published in 1913 by Dr. Helfferich appear to be the most competent available, though probably sinning somewhat on the side of optimism and national megalomania. They gave Germany a capital wealth of about eighty billions of dollars and an income of ten billions. Out of that ten billions about two, according to Dr. Helfferich's calculations, were reinvested. Accordingly, it looks as if in its pre-war condition the German industrial machine might conceivably have paid an indemnity of approximately two billions. Of course nobody but a rank socialist believes that business can be deprived of every trace of reinvestment surplus and still function energetically. Not all of the two billions of reinvestment funds could be taken without impairing existing investments and productivity. But on the other hand, of the eight billions of income annually consumed, some part

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of public expenditure—say at least a quarter of a billion—and the luxurious part of private expenditure, perhaps another quarter of a billion, could have been diverted to indemnity.

There is another possible approach to this problem of capacity to pay. Out of the aggregate ten billions of income what amount might be set down as a surplus, in the sense that is was not required either for the subsistence of the working personnel or for replacement of stocks and repair of equipment? German labor was not distinguished by a high standard of living; it received on the whole no more than was required to keep up its efficiency. That held true even of the higher grade employees. But how about the property income—rents, interest, profit? That must have amounted to between three and four billions, if the capital value of all German property was around eighty billions.

Now, Trotzky and the New York Tribune would doubtless hold that all this property income could be transferred from the German bourgeoisie to the Allied bourgeoisie without affecting production. In Bolshevik theory the receiver of property income is a pure parasite, and what difference does the breed of the parasite make, apart from its devouring capacity? But Americans with money to invest are not likely to base their calculations on the parasitic theory of property income. Perhaps a bourgeois Germany—and investors are not counting on a Bolshevik Germany—could have functioned on half its property income, leaving at the outside two billions for indemnity.

This figure of two billions, it is worth observing, comes very close to the figure set by the Allied premiers. To be sure, they proposed to exact sums ranging from half a billion for the next year to a billion and a half for the thirty-one years after 1929. But these figures would be increased, we calculate, by at least fifty per cent through the additional sums collected by the twelve and a half per cent tax on German exports. Briand's calculations are more extreme. He thinks German exports may grow to nine or ten billion dollars, which would make the duty nearer 100 per cent than 50 per cent of the indemnity.

It appears, then, that the Allied premiers are now proposing to make Germany pay as much or more than she could have paid in 1914, with all her resources intact. True, the scale of gold prices is now higher than it was in 1914. It may remain higher although there is no certainty whatever that it will. On the other hand the loss of Alsace-Lorraine, of the Polish districts and the possible loss of Silesia, the loss of foreign investments and trade connections and of the German mercantile fleet would more than offset the advantage of the higher price level, even if that level were maintained for the forty-two years in contemplation. Germany will save on her own army expenditures, but she will have to maintain an army of occupation on the Rhine at a cost exceeding that saving. Lloyd George, reverting to the meretricious methods of his election campaign, may declare that the settlement is fair and that Germany can pay the sums fixed. But he knows better. For purposes best known to himself, he has put his name to a settlement that settles nothing.

But let us suppose that the settlement stands, and the Germans try to carry it out. What will be the mechanism of settlement? The French press declares that the Germans want to pay in goods, to the injury of Allied industry. Lloyd George points to the same danger. Well, what else will the Germans pay in? They have no gold, no foreign investments, no ships to turn over to the victors. They can transfer title to their lands and mines and railways and factories, but what then? If the British and French took the capital value of the indemnity in German properties, they would still have to take the income of those properties in goods, and in nothing else. It may very well be that British and French captains of industry contemplate gaining possession of German industries as an intermediate step in the indemnity transactions. But that would not affect the final principle that whatever Germany pays beyond her borders must take the form of exports in excess of imports. If Germany is to pay an average of two billions or more each year for forty-two years, she will have to maintain an excess of exports of two billions or more through all that period.

Let her export coal, Loucheur argued. Germany has indeed coal enough, even without the Sarre and Silesian deposits, to export as much as Europe will take. She needs to sink more shafts, train more labor, install more machinery, but there is nothing theoretically impossible in this. If England would stop exporting coal altogether, room might be found for another hundred million tons of German coal, if the price were low enough to enable French, Italian and Spanish industry based on it to meet British and American competition. That would, however, be a pretty low price, and the aggregate contribution to indemnity would be disappointing. Let Germany export potash. But that is a relatively insignificant item. Before the war Germany exported potash salts worth about fifty million dollars, but she had a monopoly then and exacted a monopoly price. Now she has to compete with the potash deposits of Alsace. The conclusion is inescapable that the bulk of the German indemnity has to be paid in industrial products.

Who wants those products? Not France nor the United States. Not England nor Italy nor

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Belgium. Not Czecho-Slovakia nor Poland. Russia and Austria might desire to take them, but those countries lack free purchasing power. At most, the countries we have mentioned would take from Germany as much as Germany buys from them—transactions that leave no room for excess exports to meet indemnity claims. But those countries took before the war from two-thirds to three-fourths of all German exports.

It follows that the huge excess of exports that Germany is required to generate will have to flow to Latin America and the Orient. And grant that England and America are willing to let Latin America become a German trade preserve; that Japan, England and America surrender China to the Germans, that the British let the Indian market slip away from them; still the absorbing capacity of those markets is limited. Billions of excess German exports would soon saturate them. And then what would become of the high gold price level, on which indemnity payments are predicated?

It is impossible, in view of these considerations, to regard the Allied agreement as an attempt made in good faith to fix the indemnity. The claims on Germany remain an indefinite charge whose financial character is that of a bankrupt's note. They can not be used as collateral on the world's financial markets. They can not therefore subserve the purpose of a legitimate indemnity, to help in rehabilitating the territories wasted by war. If the purpose of the Allied premiers was to hold back German recovery, even at the risk of European bankruptcy, they planned well. As for any other rational purpose, it is not exhibited by the figures.

Christian Ethics and Pittsburgh Employers

RECENTLY some of the New York morning newspapers carried a dispatch from Pittsburgh which described a campaign into which the Employers' Association of that city had recently entered. It had decided to convert Pittsburg into an "open shop" town. What the Association meant by the "open shop" the dispatch revealed by tracing an analogy between its idea of an "open shop" and the labor policy of the United States Steel Corporation. The Steel Corporation has always kept its shops open to unorganized labor and so far as possible closed to organized labor; and it has recently carried this practice a step further by refusing to furnish structural steel to contractors in New York City who employed union labor in erecting it. The Employers' Association of Pittsburgh in adopting this conception of an "open shop" not unnaturally took over with it the same disposition to use aggressive tactics in making it prevail. The managers of the Association began to look for some opponent of the "open shop" or some friend of organized labor which they could deprive of any further opportunity for mischief.

They soon discovered a victim. Remembering as they did the amount of annoyance which the intervention of the Industrial Department of the Interchurch World Movement into the steel strike had caused the Steel Corporation, they decided to remove, if possible, any similar obstacle from their own path. The Interchurch World Movement was dead, but other religious societies and federations were infected with the same disposition to apply Christian ideals to industry. The Pittsburgh branch of the Y. W. C. A. was soliciting funds in the very bailiwick of the Employers' Association of that city. Like the Interchurch World Movement it had adopted an industrial program. If its campaign for money was a success it might, also, like the Interchurch World Movement, "misuse" its funds by attempting to act on its program. The safe and the obvious course to pursue was to instruct those erring Christians as to the limits of Christian truth by depriving them of money. In that case the truth or the error could not prevail.

The Vice-President and General Manager of the Association, Mr. William Frew Long, addressed according to the New York Evening Post, on January 8th, the following letter to its members:

> In view of the campaign for funds which will be begun today by the Y. W. C. A. it is felt that your attention should be drawn to the fact that without adequate investigation the above association has adopted an "industrial program" which is in line with some of the recent radical and ill advised efforts of religious and quasi-religious bodies to "regulate industry," something they attempt to do in about the same manner that a bull regulates a china shop.
>
> Some of the things the Y. W. C. A. believes in and indorses are as follows:
>
> Industrial democracy.
>
> Collective bargaining.
>
> A share in *shop control and management* by the workers.
>
> Labor's desire for an equitable share in the profits and *management of industry.*
>
> Protection of workers from enforced unemployment.
>
> A minimum wage.
>
> Government labor exchanges (employment offices).
>
> Experiments in cooperative ownership.
>
> The Y. W. C. A. has done and is doing a good work along some lines, and it is greatly to be regretted that they have taken this excursion into a field about which they know practically nothing, and thus lend encouragement to what every man conversant with industrial problems knows to be destructive of the very basis of America's progress and civilization.
>
> After the misuse of funds by the ill-fated Interchurch World Movement we have felt it to be our duty to advise you of some of the purposes to which your money

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will be put if you contribute to the Y. W. C. A. if that organization adheres to its present "industrial program"—in the formation of which we venture to presume no responsible men with knowledge of industrial matters were consulted.

Let us consider for a moment the implications of this illuminating document. The Y. W. C. A. is not exceptional among American religious societies in that it has officially adopted an industrial program. During 1919 practically all the Christian denominations in this country and in Great Britain formulated programs of this kind. Neither is the industrial program of the Y. W. C. A. of which Mr. Long gives a fair summary in his letter, compared with other similar programs, exceptionally radical. On the contrary it expresses without any eccentricity the consensus of opinion among thoughtful and earnest English-speaking Christians, both Catholic and Protestant, both laymen and clergy, as to the kind of industrial organization and behavior which is called for by Christian ethical principles. This consensus of Christian opinion asked that industry guarantee to the worker not only certain minimum standards of health and comfort but also some measure of collective control over his working conditions. The agency whereby they proposed to secure these guarantees was that of organized and in a sense compulsory conference between representatives of the workers and of the management. Their object was to create a system of industrial institutions founded on the consent of both parties and on cooperation between them.

If the industrial program of the Y. W. C. A. expresses fairly the consensus of competent Christian opinion, the policy of the Employers' Association of Pittsburgh fairly represents the attitude and policy of the most articulate and aggressive of the associations of business men in the United States. We do not mean by this statement that all or any large number of such associations have refused to subscribe funds to societies which have officially adopted industrial programs. We mean that these business men's associations are almost all actively interested in the "open shop" campaign and that they understand by the phrase the same kind of shop which the Employers' Association of Pittsburgh and the Steel Corporation mean. They propose to suppress conference with organized labor as an agency of adjustment in the conduct of American industry. They propose to eradicate any element of security and consent in the psychology of the American worker. They propose to concentrate all effective power over the conduct of industry and the lives of its employees in the hands of the employer. Finally in carrying out this policy the embattled business men of America are becoming far more aggressive, more self-righteous and more class conscious than organized labor in America has ever dared to be.

Thus there is a flagrant contradiction between the organized Christian conscience of America and its organized business. The great majority of American business men attend the Christian church and are supposed to mould their conduct by the counsels of the Christian clergy. The Christian clergy in their assemblies have formally and unequivocally demanded as a clear deduction from Christian ethical principles an organization of industry which encourages a psychology of consent to an official mechanism of conference. But a group of representative business men condemn this interpretation as "destructive of the very basis of American progress and civilization," and they advise their associates not to give any money to a Christian society which commits itself to what may be called the orthodox application of Christian principles to industry.

Their behavior justifies the asking of some disagreeable questions. Are the councils of the Christian denominations for the America of today the one trustworthy exponent of the meaning of Christian ethics as applied to secular life? They surely are. Is the Employers' Association of Pittsburgh an equally unimpeachable authority as to the behavior and organization of American industry from the point of view of "the open shop" advocates? It surely is. When, therefore, that Association declares that the effect of applying to American industry, as exemplified by the Steel Corporation, certain principles which embody the orthodox application of Christianity to industry, would be similar to the effect of permitting a bull to charge into a china shop, is it likely to be right? It surely is. They are convicted out of their own mouths. American progress and civilization, as understood by the Employers' Association of Pittsburgh, is inseparable from an industrial system which, according to the Protestant and Catholic churches of America, fails to embody the principles of Christian ethics.

But Mr. Long's comparison of the actual effect of an industrial program such as that of the Y. W. C. A. to the traditional behavior of a bull in a china shop is not altogether felicitous. The group who are playing the part of the rampageous bull in the moral drama of American industry today are surely the advocates of the "open shop." The fragile china shop which the bull is charging is the array of principles which the Christian denominations have placed in the window and on the shelves in order to advertise and exemplify the somewhat neglected application of Christianity to

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modern life. A few of the Protestant clergy made a courageous and intelligent attempt to put their principles into practice. In the Steel Report of the Commission of the Interchurch World Movement they showed what the effect on a great industry is of a policy of no-conference with the workers and of the systematic suppression of unionism. They showed that it produced physical atrocities such as the twelve-hour day and the seven-day week and moral atrocities such as systematic industrial espionage. But nothing came of the report, and their courage in preparing it had something to do with the unfortunate extinction of the Interchurch World Movement itself. The question which the incident raises is a very serious one for the Christian churches in America. What can the Christian clergy do to protect the industrial principles, which they have solemnly adopted as part of Christian truth, from the bullish assaults of such groups of business men as the Employers' Association of Pittsburgh?

Debs

ONLY the President can extend the grace of pardon to Eugene Debs. This has brought the issue squarely up to Mr. Wilson himself, and with his own quavering hand he has refused Debs pardon.

It taxes credulity and it taxes vocabulary. If there are Gods who enjoy human irony they staged this ironical scene—Woodrow Wilson denying pardon to a man who stood by his convictions. The Department of Justice, which in its zeal during and after the war did distort the law, now actually pulls Mr. Wilson's coat and tells him to take this step in the direction of humanity and good will. And Mr. Wilson shows himself less accessible to mercy than our kicker of people who are down.

What prompts such moral fatuity on the part of Mr. Wilson? It was, if we must admit it, an ugly necessity of the institution of war that we should lock up the most honest and undisguised critic of the institution of war who stood by his convictions in this country. But having locked him up to shut him up, in the panic of putting the war over, there is no excuse under heaven to keep him locked up after the muzzle is no longer required. Are we to pretend that Debs is a criminal, in the same class with burglars and murderers, not to mention persons who steal territory and make unofficial war? We know perfectly well that only the most sterile legalist could profess that Debs is kept in prison because he is a true enemy of the state. He is in prison because, during the war, it seemed to interfere with the immediate purposes of the nation to have his voice heard. It was impossible to silence him by bullying him or cajoling him or tarring and feathering him. We couldn't say he was a German or a pro-German. He was a regular American citizen, former candidate for the United States Presidency, who was possessed of moral convictions and intellectual theories which it was believed inconvenient to have exploited in 1917. He "probably was convicted," as Mr. Zechariah Chafee, Jr., declares, "for an exposition of socialism, merely because the jury thought his speech had a tendency to bring about resistance to the draft." Unfairly convicted or not, this country is now in a new situation. To keep Debs in prison is either pathological impotency of judgment or it is the action of a man who is so obsessed with his own piteously inadequate formulae that he still thinks he can impose his righteous ego on the world by exhibiting the husk of righteousness after he has lost the kernel. That he lost the kernel the November election may be taken as verdict. But does he still imagine that the retention of the empty husk can impose on anyone? Is it for this morbid egoism that Debs must spend his last years deprived of external dignity and freedom?

It is a large question whether the ultimate purposes of the United States can ever be served by oppressive acts like the initial imprisonment of Eugene Debs. Certainly the remission of *our* guilt rather than his is involved in having him pardoned. His is not the greatest intellect in the world or the best guidance in statecraft, but he is a tested upright man whose freedom of speech we curtailed at the cost of American ideals and the allegiance of many Americans. That cost becomes immeasurably greater now that the wounds caused by our illiberal war record are reopened and salted by Mr. Wilson.

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The Labor Spy

A General View of Industrial Espionage

100 Per Cent Un-American

THE article which follows this brief introduction is the first of a series of seven on Industrial Espionage. The material is the digest of a report made under the auspices of the Cabot Fund for Industrial Research. The investigation was made by Mr. Sidney Howard for Dr. Richard C. Cabot, now Professor of Social Ethics in Harvard University. That part of the work which involved a direct approach to labor organizations was undertaken by Mr. Robert Dunn, Yale '18, and a member of the Amalgamated Textile Workers of America.

The lead for the investigation was supplied by Mr. William Hard's articles on espionage in Passaic which appeared in the New Republic last Spring. (Issues of April 7, 14, 21, 28, 1920.) The information amassed in the report to Dr. Cabot covers a much wider area, an area sufficiently large to establish a prima facie case for believing that the practice of industrial espionage is national in scope. Mr. Howard and his assistants uncovered the practice in the industrial centres of New York and New England, in Ohio and Michigan, in Chicago and in Milwaukee and in several smaller manufacturing towns. Direct information was amassed through manufacturers and from industrial detectives themselves, from court testimony and from the records of Congress. Many clues were supplied by the locals of unions, but curiously enough, Mr. Howard tells us, the national organizations of labor would not divulge material which the investigators knew them to possess. He tells us, also, that there were A. F. of L. officials who denied that industrial espionage exists.

That it exists with enormous ramifications no reader of the series which follows will dispute. Industrial spying is a large industry, drawing its profits out of the perpetuation of suspicion between employer and employee. Remove suspicion, establish industrial relations on the basis of frank conference, as has been done in many industries, and the industrial spy loses his job. But where no conference exists, where employer and employee have no regular method of consultation, the spy appears as the real intermediary between capital and labor. Industrial espionage is a substitute for democratic industrial relations, a sneaking, underhanded, poisonous, trouble-making, trouble-perpetuating substitute. It is to the hygiene of industry what drug addiction is to the hygiene of the individual, a temporary and illusive relief that produces more trouble than ever it can cure.

The industrial spy, by the very nature of his business, cannot permit confidence to grow up between the employer and employee. His earnings depend upon keeping the employer frightened, the men restless and suspicious. It is not surprising to find, as Mr. Howard shows, that industrial spies have played both sides against each other, and have been at the bottom of a great deal of the violence and corruption of industrial conflict. It is a system based on the negation of honor and good faith in human relationships, and is bound to breed dishonor and bad faith wherever it is introduced.

To any one who sincerely believes in a cooperative spirit between labor and capital, to any one who gives more than lip service to the American ideal, this vast, intricate, insinuating system of bad will, provocation, corruption and violence is an intolerable obstacle to industrial peace. The evidence here given is complete enough; it rests on sufficient documentary evidence, to call for federal investigation of the whole business, followed by strict legislation against the practice.

There is very little room, if any, for private espionage in a republic. It violates every sound tradition and every sound instinct of republican government. For it introduces into the inner circles of western life an attitude of mind that belongs to the intrigue and conspiracy of an Oriental court. There, where government is arbitrary and personal, espionage is the basis of administration. But here, we are supposed to have invented a substitute for arbitrary and personal government in the principle of representation and consultation, and there is no place for industrial espionage. Loyalty to American ideals is incompatible with this practice. It is 100 per cent un-American. —THE EDITORS.

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I

Nature and Scope of Industrial Espionage

ESPIONAGE in industry is not a credible institution, not one which it is agreeable to contemplate. Nevertheless, the employer's practice of setting spies to observe and inform on workers in factory and union has, now, every appearance of firm establishment. It has been developing inconspicuously these many years. Only an occasional indiscretion in this place or in that has ever brought it any measure of public attention. Its doings are still far from a state of ideal publicity, but recent labor disputes have so frequently encountered it, have dealt with it over so wide an area that it can no longer be considered in terms of locality, of individual industries or even of particular crises. It seems to have become something of a factor in American industry as a whole.

Because this general view of the practice and nature of industrial espionage is written for a public not always in the employer's confidence, it is well to begin at the beginning. Given an employer suddenly face to face with the probability of labor trouble in his plant, ignorant of the character and point of view of his employees, with no access to their plans, very fearful of their organization. The result is almost inevitable panic and the labor spy exists to exploit this panic. He capitalizes the employer's ignorance and prejudice and enters the plant specifically to identify the leaders of the labor organization, to propagandize against them and blacklist them and to disrupt and corrupt their union. He is under cover, disguised as a worker, hired to betray the workers' cause. Espionage in industry is not a credible institution, but it seems to go on very generally.

The labor press of the last few years is filled with the records of spies discovered in unions and expelled from them. This in any part of the country where industry thrives. A chief of the Railroad Brotherhoods says that he has not often known "a unit large enough to be called a meeting and small enough to exclude a spy." A year ago spies were discovered in Passaic, New Jersey, in the mills of the American Woolen Company. At the very time of their exposure, the investigators of the steel strike were stumbling upon evidence of the practice around Pittsburgh. Spies and strike breakers figured in the street railway riots of Brooklyn and Denver last summer, in the brass strike of last spring in Waterbury, in St. Louis, in Chicago, in the Northwest, in California.

In December ten important officials of the labor unions of Akron, Ohio, were exposed as confessed and convicted spies of the Corporations Auxiliary Company, a concern whose business is the administration of industrial espionage. Last spring two similar corporations entered the courts of Philadelphia and left there a complete (and unpublished) record of their proceedings in the employ of the textile manufacturers of Philadelphia. From this record much of the present evidence has been derived. Detroit and Milwaukee have recently legislated against the operations of such corporations. Decidedly, industrial espionage must be the affair of the whole country. When the Commission on Industrial Relations examined the workers and employers of American industry, it found scarcely one who had not an admission to make or a story to tell of the workings of the industrial spy system.

It is strange that this business should have gained such a hold. It is strange that the employer should not reasonably suspect its effects. Though he propose only to relieve immediate labor difficulties by the destruction of a particular union, he may well accomplish very different ends. This labor spy, often unknown to the very employer who retains him through his agency, is in a position of immense strength. There is no power to hold him to truth telling. The employer who depends upon espionage rather than upon his own eyes is, in great measure, at the mercy of his spy. The very nature of the spy's business makes it necessary for him to do either of two things. He may falsify his reports or create, through his own influence upon the workers, a basis upon which to report the truth.

Wherefore we need not be surprised to find situations prearranged in the plant of a prospective client, strikes prolonged rather than broken, rioters furnished by espionage agencies along with strike breakers, trouble fostered where peace has been. Mr. Coach of Cleveland, a leading industrial detective, buys the Columbus Labor News during the street railway strike in that city, and edits it to encourage the very agitation which he is being paid to break by the street railway company. In Minneapolis an industrial detective agency is caught working for both union and employer in the same strike. A spy brings to New York five hundred copies of the Communist Manifesto printed by the radical department of a detective company and distributes them about various organizations of workers. The Sherman Service officials of Chicago are indicted (and never tried) because they instruct their agents to "stir up as much bad feeling as you can possibly between the Italians and the Serbians. Spread data among the Serbians that the Italians are going back to work. Call up every question you can in reference to racial hatred between these two nationalities."

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Furthermore, it is the boast and project of the industrial spy that he can corrupt a union out of existence. Says Mr. Coach of Cleveland: "I own every union in this town," which is to say that he controls the union executives. And there seems excellent reason to believe that this kind of control goes high in the ranks of union labor executives. It is a common plaint that American union leaders are not trustworthy. This kind of systematic corruption and demoralization cannot better the situation whatever claims be put forward in its defense. Labor leaders must be dealt with. Who fosters corruption must, in the end, deal with the corrupt.*

Briefly, to retain a spy is to set, between employer and employee, a middleman whose business it is to stimulate the prejudice of the one against the right of the other, whose very livelihood depends upon the existence and continuance of trouble, whether real, imaginary or provoked. Industrial espionage is a curious substitute for industrial relations. In American industry it is an amazingly general and characteristic substitute and the evidence of its work is unbelievable and cannot be denied.

It is most amazing of all that employers should have thought it profitable. But the scale of organization of industrial espionage stifles any doubt of its scope. Only a tremendous clientèle can justify it. It operates through the secret service departments of great corporations; the railroads, the United States Steel Corporation, the Western Union Telegraph Company and like corporations. It operates through the spy services of employers' associations; The National Erectors' Association, The National Manufacturers' Association, The National Founders' Association. Strike insurance companies maintain spy services. And, finally, a dozen vast detective organizations with branch offices in every manufacturing centre, together with hundreds of smaller local agencies, devote themselves exclusively to training and furnishing industrial spies, agents provocateurs, and strike breakers. It would be interesting to know how many men the business employs. One can only guess at thousands.

* According to the frank statement of President Ray of the Ray Detective Agency of Boston, the president, secretary and treasurer of the local ice man's union were, until quite recently, all in the employ of his agency. These spy-officials were able, among other activities, to engineer the union through a dance which left it $500 in debt. This is a common disruption scheme. A former president of the Bay State Carmen's union was one of Ray's regular detectives. He has since gone west to establish an agency of his own.

ENGINEERS AND CONCILIATORS.

These industrial detectives prefer, nowadays, to be known variously as "Harmonizers and Conciliators," as "Service Corporations," as "Engineers—Commercial, Financial and Industrial." The original Pinkerton first discovered the possibilities of the detective in industry, and himself put agents to work in the long defunct Knights of Labor. Almost to a man the industrial detectives are one-time criminal detectives. Mr. Coach of Cleveland explains the change tersely. "There's more money in industry," he says, "than ever there was in crime."

The Pinkerton National Detective Agency carries on the industrial work of its founder through thirty-five branch offices. The machine guns of Baldwin Felts fight the unions of Colorado and of West Virginia alternately. The Corporations Auxiliary Company, masquerading under a dozen different names, specializes at electing its agents to union office (as in Akron) and issues to its clients a bi-weekly bulletin of labor information gathered by under-cover methods in every state in the country. The Thiel Detective Service Company, very old and very well established, furnishes spies to factories from the smallest Paterson silk plant to the immense producing organization of the Pierce Arrow Motor Car Company. William J. Burns maintains thirty-five branch offices, industrial and radical departments, and collects numerous thousands. Mr. R. J. Coach of Cleveland, who "owns every union in his town," will not admit that he has ever failed to crush a union and has, in at least one case, put ten thousand strike breakers into a single strike. Bergoff Brothers and Wadell of New York claim that they can raise the same number in seventy-two hours. Mooney and Boland in Chicago, the Gorton National Agency of the same city do business broadcast. Any city will list a dozen smaller corporations dedicated to the same service. Last, and, perhaps, most important, The Sherman Service Inc. buys pages of the New York Times to proclaim its doctrines of harmony in industry, has its employees exempted from the military draft, admits of no competitor, supplies its agents to the modest laboratories of Thomas A. Edison and to the hundred mills of the American Woolen Company, and pays, in a single year, an income tax of $258,000.

THE INDUSTRIAL DETECTIVE SOLICITS BUSINESS.

These brief quotations from letters of industrial detective agencies serve the end of illustrating the kind of promise which they hold forth to the client-employer in the hours of his need.

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From DUNN'S NATIONAL DETECTIVE AGENCY, Detroit.

We are in a position to place in your plant, laborers, mechanics, clerks, bookkeepers, in fact people of any vocation to obtain information as to a forerunner of labor trouble.

We will furnish guards on very short notice, and will break a strike in a way that will obviate the necessity of your being forced to use union or other employees not of your own choosing. . . .

From MURPHY SECRET SERVICE, Detroit.

. . . The head of this agency having about as much use for a strike breaker as he would have for a thief.

We have the reputation of being several jumps ahead of the old style way of settling capital and labor difficulties, and we feel that anybody in business who allows his affairs to reach the labor strike stage, especially if operating on the open shop theory, is . . . behind the time.

From ROBERT J. FOSTER, FOSTER SERVICE, 286 Fifth Avenue, New York.

FIRST:—I will say that if we are employed before any union or organization is formed by the employees, there will be no strike and no disturbance. This does not say that there will be no unions formed, but it does say that we will control the activities of the union and direct its policies provided we are allowed a free hand by our clients.

SECOND:—If a union is already formed and no strike is on or expected to be declared within thirty to sixty days, although we are not in the same position as we would be in the above case, we could—and I believe with success—carry on an intrigue which would result in factions, disagreement, resignations of officers and a general decrease in membership; and, if a strike were called, we would be in a position to furnish information etc., of contemplated assaults.

From SCHINDLER, INC., 149 Broadway, New York.

Information supplied by our secret industrial operatives and corroborated through other sources indicates that we are on the eve of extensive industrial disturbances. There seems to be an extraordinary agitation in favor of a 44-hour week and a substantial increase in wages in a number of different lines. . . .

Services retained now will enable you to prepare to meet to the best advantage whatever situation may confront you as a consequence of the present agitation and in this connection we beg to remind you that "forewarned is forearmed."

An acknowledgement would be appreciated as an indication that this letter has not fallen into the hands of an unauthorized person.

From WILLIAM J. BURNS, Woolworth Building, New York.

. . . . Ever since the McNamara case we have made a close study of labor difficulties and have perfected our industrial organization . . .

In pursuing this character of work we have organized this department in such a way that we are in a position to anticipate these labor difficulties in all industries, and by this method apply what we call preventive measures.

From THE INTERNATIONAL AUXILIARY COMPANY, alias the Eastern Engineering and Contracting Company, actually the Corporations Auxiliary Company. Room 702, 291 Broadway, New York. Branch offices in various cities but under different names so that the real size of the company cannot be estimated.

. . . . The study of industrial and labor problems has been the sole business of this company for over a quarter of a century and to carry on this work we have surrounded ourselves with men and women of different trades and nationalities who form a part of a far-reaching organization, the mission of which is harmony in the operating of these various industries.

Our representatives are employed on a plane of equality with your other employees and study and report each day on the conditions actually existing as seen by them from a workman's viewpoint . . .

We have been particularly successful in handling situations which are continually arising in organized labor circles. . . . Wherever we have the organized labor movement to contend with, we endeavor to use the influence of our representatives toward creating the proper attitude of those around them. . . . We start on every operation with the idea of making our operative a power in his little circle for good, and, as his acquaintance grows, the circle of his influence enlarges. . . . The cost of the service is very nominal, and the best proof we have of its value is the tremendous growth of our service in the corporations that we have had the privilege of serving in years past.

From THE CORPORATIONS AUXILIARY COMPANY, Continental National Bank Building, Chicago.

Don't you think it would pay you to know your men, know every man in your employ . . .? It can be done quietly and inexpensively by the use of the Corporations Auxiliary Company's Industrial Inspection Service. . . .

Wherever our system has been in operation for a reasonable length of time considering the purpose to be accomplished, the result has been that union membership has not increased if our clients wished otherwise. In many cases local union charters have been returned without publicity and a number of local unions have been disbanded.

We help eliminate the agitator and organizer quietly, and with little or no friction, and, further, through the employment of our service, you will know at all times who, among your employees are loyal and to be depended upon. . . .

From INDUSTRIAL SERVICE COMPANY, 181 Tremont Street, Boston, Massachusetts.

"The heads of the American Federation of Labor are making war plans. They believe the "open shop" crusade is intended to undo everything union labor has accomplished . . . There are men in your employ who will fight to the last before they will be willing to have their pay envelope reduced . . . Our business is to act as labor mediators, and to *prevent* strikes. . . . There are things you just *CAN'T* put down in a letter." . . .

. . . .

By such letters does the industrial detective recruit his clientele. SIDNEY HOWARD.

(*To be continued.*)

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The Problem of French Finance

WHEN a people, which for five years has been submerged to the eyes in a struggle of life-and-death, leaves off glaring angrily about in hate or in fear, and fixes its attention seriously on problems of internal reconstruction, there is cause for general satisfaction; for this inversion of interest means that a peace-time mentality is at last beginning to return. The dawning of the year, 1921, finds France in just such a period of transition. It is no longer Syria, the Ruhr Basin, Poland, the Dardanelles, which hold the nation's gaze, though these are, of course, by no means forgotten; it is the financial situation. And the spectacle which greets the bewildered scrutiny of ministry and parliament may well send a cold chill down the official spine, for this spectacle is little short of ghastly.

A year ago, to suggest that the budget difficulty was almost insurmountable was to be accused of attacking public confidence; and to utter the horrid words "bankruptcy" was akin to treason. But the truth has burst through the discrete veils of national pride at last. "We must not forget," writes Le Matin, in a vigorous editorial, "that the financial question dominates all others, and that foreign policy itself must be considered as a means of solving the financial problem." "The deficit," exclaims Charles Dumont, in the 1921 budget report, "is frightful." Léon Bourgeois, President of the Senate, adds gravely, speaking of the increased national debt: "At the present time, no one can calculate it exactly. The abyss is getting deeper every day, and no way of bridging it is to be seen."

Without going greatly into detail I will endeavor to set forth just what this "abyss" is. The foreign debt is about 34 billion francs gold, or, say, 100 billion paper francs. The domestic debt is over 200 billion paper francs—though how much over nobody seems to know. Total debt, say, well over 300 billion paper francs. The 1920 budget called for a disbursement of 51 billion francs, of which 22 billions were supposed to be obtained from Germany; but as nothing was obtained from Germany in cash, and as less than 20 billions was obtained in taxes, the remainder had to be made up by loans, which were spent before they were received, and by advances from the Bank of France—that is, by increased inflation. The year ended with a deficit of nobody knows just how many billions. Raymond Poincaré estimates the augmentation of the permanent debt at no less than 40 billions. The 1921 budget, now under discussion, calls for the expenditure of 44,500 million francs. The tax returns are expected to give a little over 20 billions; 16,500 millions are supposed to be collected from Germany, but probably will not be; where the other eight billions are to come from is not stated.

There are three possible ways of meeting this problem:

(1) Loans—but the last loan, which brought the subscriber the equivalent of 7.95 per cent interest, tax-free, was spent in advance; the next loan, to be launched this spring, is even now being spent in the form of advances against the loan, made to the government at 6.5 per cent by private banks; moreover, there is reason to believe that the limit of the country's power of absorption has very nearly been reached;

(2) Increased taxes—but the country is already beginning to groan under taxes four times heavier than in 1914, and a government which wants to stay in power—as of course every government does—must think twice before it ventures to give another turn to the screws;

(3) Advances from the Bank of France—but this great national bank has already issued 38 billion francs in bank-notes against an actual gold reserve of some 3,500 millions, and to this deluge of notes must be added commercial paper to the value of 3,921 millions, so that nothing more is to be hoped for from this hitherto fruitful source. In short, whichever way one turns, it would appear that a limit has been reached. Such is the "abyss" to which M. Bourgeois so forebodingly refers.

There is evidence, as I have said, that France is gradually gathering courage to look the situation squarely in the face. Up to the present, however, it must be admitted that no government—indeed, scarcely an individual—has dared to tell the war-worn country the whole truth, which is, that Germany is not going to be able to pay anything like the amounts expected of her—not in the immediate future, at any rate; that no great help is to be looked for at present from either Britain or the United States; that the advances promised to the unfortunate residents of the devastated regions will probably have to be still further curtailed; and in short, that another period of sacrifice and abnegation is at hand for this sorely tried people.

It should be clearly understood that very little relation exists between the internal debt and the external debt, for whereas the former can be paid in paper currency, the only possible media by which the latter can be refunded are gold and goods (that is, a favorable commercial balance). Gold will be out of the question for France for a number of years to come. For the first eleven months of 1920, though exports increased by 12 billion francs as against the same period of the preceding year, the imports nevertheless still exceeded the exports by 12 billion francs! In other words, it will probably be several more years before the commercial

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balance can become favorable to France. Of a total foreign debt of 34 billion gold francs, about 18 billions are owed to the United States, and 15 billions to Britain. The most that France can do just now is to request these Powers to continue to make the terms as favorable as possible—temporary suspension of interest payments, conversion of short-term to long-term notes, and the like.

The first necessity of the interior situation—and it is absolute—is to balance the budget. The point to start from, as M. Léon Bourgeois says, is not that of disbursements but that of resources. Given that the actual income from taxes is only some 20 billions, a budget of 44,500 millions is clearly fantastic. Doubtless taxes can be increased—indeed, they must be increased—but only after all government departments have themselves manifested a drastic effort at economy. Sooner or later, as the cost of living falls, the salaries of hundreds of thousands of functionaries will have to be correspondingly reduced. The decision to cut down the size of the army has already been taken, and ought to save 2 or 3 billions. With the demobilization of the 1919 class, the French army should consist of a total of only four hundred and ninety-four thousand men, of whom two hundred and nineteen thousand will be French, the rest colonials, as against the present figure of 730,000. From a strictly military viewpoint, with the international situation so unsettled, it is difficult to see how this number can be further diminished at present.

The third economy which will doubtless become necessary is the most painful of all, for it is that referring to the devastated regions. The troubles of the unhappy people who chanced to live in the war zone are not ended. The government promised them, of course, that their houses should be rebuilt without delay at the national expense, in the form of advances on German reparations payments. The government has done what it could, but the task is immense. Over 20 billion francs were advanced on this account last year. For 1921, the figure has been cut down, with great regret, to 16,500 millions, which is generally considered quite insufficient. Theoretically, the 20 billions advanced last year, and the 16,500 millions to be spent this year, are to be collected from Germany; but as Germany is apparently unable to pay cash, and moreover, as the question of reparations still remains to be finally settled, it is France, in actual practice, which has to find this money. Taking even the most optimistic view, it seems doubtful if Germany can convey to France, in the coming year, the ready equivalent of 16,500 million francs, as the budget provides. Unless, therefore, France wishes to end another year with a serious deficit, thus increasing further the already overstrained national indebtedness, the advance on reparations will have to be curtailed even more seriously.

When the government itself has given evidence of having begun to effect the most rigid economies, then, and as M. Bourgeois very wisely points out, then only, will the country be willing to accept that further burden of taxation which circumstances render inescapable. For one thing, the methods of tax collecting, which are at present far too lax, will have to be rendered more rigid; and for another, a way will have to be found of getting into the woollen stocking of the peasants. Wisely enough—for the peasants form perhaps 65 per cent of the population, and are the very stuff of the nation—the government's financial policy, ever since 1914, has been consistently favorable to the peasants, who in consequence have paid off mortgages, bought the land they formerly rented, or added to the land they already owned, and have become, in general, exceptionally well-to-do. There were several months, after the armistice, when social conditions throughout Europe were such that France did not dare to tax the peasants heavily, because it wished to be able to rely on their contentment as a barrier against possible revolutionary outbreaks; but a time has now come when the social condition, in France at least, is apparently strong enough to stand the widespread discontent which a further increase in taxes might entail. At the same time, a campaign of education, similar to that attendant on the first war loans, ought probably to be undertaken, in order that the mass of the people may be made to understand the hard fact that neither Germany nor the Allies can or will help France at present to any considerable extent, and that one more resolute sacrifice is necessary.

France is a great country, with extensive natural resources, vast colonies, and a thrifty and laborious population. It is seemingly resolved, from now on, to make a systematic effort to straighten out its finances. In accordance with this resolution, it has cut down its army; renounced, for the time being, the idea of occupying the Ruhr Basin; declared its desire to conciliate the Turkish Nationalists; and announced at last the abandonment of all thought of intervention in Russia.

There is reason to believe that it will confront the forthcoming reparations conferences in a realistic spirit of compromise. What the country now demands is results. If, by economy, sacrifice, and moderation, positive results can be obtained, all will be well. If, on the other hand, positive results are not obtained, a reaction of popular exasperation is to be feared which will bode ill for the peace of Europe. Though financially weak, France still commands a military strength of the first order. PAUL SCOTT MOWRER.

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Freedom of Speech and Press

THE recent appearance of Professor Chafee's book on Freedom of Speech invites renewed reflection upon this subject; we have now a compact and readable account of what has happened to civil liberty in this country since the beginning of the war, an account of high historical and legal value, although animated by a spirit of liberalism, for which an American writer on public law need not apologize. A few years ago it would have been possible to discuss the subject more dispassionately than now, but hardly as intelligently. When the late Professor Schofield wrote in 1914 his excellent essay on the Freedom of the Press in the United States, the subject was still largely academic, a problem in constitutional law; it has now become a problem in practical legislation in which the constitutional aspect, while still conspicuous, is no longer dominant. The Constitution is an excellent weapon in legislative controversies before the courts have spoken, and a poor one afterwards; for since our constitutional system can lay no claim to perfection, and the conclusiveness of judicial interpretation is part of it, one assumes a vulnerable position in insisting upon the one and rejecting the other. It is, however, a writer's privilege to show, and it cannot be too often and too strongly reiterated, that a constitution at its best secures the minimum and not the maximum of good law; the courts, having found that a law does not violate the Constitution, do not feel at liberty to criticize it on its merits, and legislators are then apt to infer that what the courts have sanctioned must be sound and just; thus a constitutional decision may standardize bad law, and that is very likely to be its effect if the constitutional provision itself is defective or unworkable.

That much of the weakening of civil liberties in the last few years has been due to the strain of the war, is a commonplace; but it is not equally a commonplace that much of the bad law that has been produced is due to the doctrine that the constitutional guarantee of free speech applies in war time. I do not deny that ordinary canons of construction support that doctrine, and that therefore in a sense it is sound enough; the trouble is that it is so far in advance of political views and supposed exigencies that it inevitably leads to evasive if not dishonest application. In a war in which men are drafted for military service, it might be justifiable for a radical party to demand the conscription of all economic resources, and at that price to consent to a surrender of other civil liberties. No other nation leaves normal constitutional rights unimpaired in war time; laws exist or are enacted which place them to a limited and defined extent under executive or military control, which is by no means identical with the rule of martial law, "the will of the commander," as we understand it in this country. Such administrative control is often unwisely and may sometimes be despotically exercised; but it has nowhere produced punitive measures that compare in severity with our law-sanctioned and judge-imposed sentences. As a recent writer on French politics says: "no efforts were made to suppress the mutterings of the 'minoritaire' socialists during the war. In America every one of them would have been jailed for violating the sedition acts." (Buell, Contemporary French Politics, p. 299.) If administrative action is liable to be more arbitrary than official action, it is also more subject to public criticism, not to speak of legal redress; whatever there has been of high-handed procedure either on the part of the Postmaster General, or of the Attorney General, has at least been vigorously denounced and in part has been the subject of official inquiry, while effective agitation against judicial action has, in the nature of things, been impossible. A sentence, however draconic, is attributed to the law rather than to the judge imposing it, and the responsibility for the law is so widely diffused that politically it counts for little.

While theoretically a strong argument can be made for leaving agitation as free in war time as in peace, it must be realized that even enlightened public opinion is sceptical as to the toleration of such license, and it has rarely commended itself to those responsible for the conduct of war. Moreover, one may insist upon the wisdom of toleration, without going to the extent of denying the power, to be exercised in an emergency. On the whole, the cause of freedom of speech gains and does not lose, if a constitution frankly provides for modification or even suspension of the right under the exigencies of war. If it does not, it is in danger of being ignored in war time.

This is what happened in May, 1918, when Congress proceeded to amend the Espionage act of 1917. Constitutional guaranties! By martial law, under suspension of all civil rights, no more drastic inhibitions could have been devised. One wonders how many members of Congress read far enough down the long section to discover that it threatened twenty years' imprisonment for a word favoring the cause of the enemy country or opposing the cause of the United States. Perhaps Congress did not intend what it said, or thought the the act would not be enforced that way, or that the courts would construe away the plain words of the law; but there the words are, making the blackest page of our statute book, and as long as

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they stand and are operative—and we are still at war, — any comment and discussion, public or private, adverse to the war or to our part in it, may be made the basis of a threat of criminal proceedings, without fear of liability for malicious prosecution. The Supreme Court, in the Abrams case,* had an opportunity to repudiate the offensive clauses of the act, but instead of doing so, the prevailing opinion perfunctorily endorsed the law without qualification, and the occasion for qualifying or retracting may not again arise.

The Supreme Court is responsible for another obscuration of the law. The act of 1918, whatever may be thought of it, at least spoke in words so comprehensive that there was neither need nor possibility of stretching them. In 1917 Congress had been of the opinion either that it was not wise to do more than punish attempts to cause military insubordination or wilful obstruction of the recruiting service, or else that it could go no further; in event that was the limit of criminality under first Espionage act; but the Supreme Court in Debs case construed the act as making agita- against the war criminal. Had such a meas- been deemed legitimate and necessary, it should ve come from Congress, phrased in words that uld have been understood, and properly circumcribed so as to safeguard temperate discussion; any question of power would undoubtedly have been resolved in the affirmative. The courts, supported by the Supreme Court, undertook to enforce what they believed to be the unexpressed legislative will; and in doing so, applied to political offenses, to be operative in peace as well as in war time, the damnable doctrine of inferential or constructive intent. Protest against this may be futile, but should be insistent, and should be a protest in the name of sound law. Looser notions are prevalent among lawyers, and it may therefore not be amiss to refer to the jurisprudence of France which has profited from harder struggles for liberty than we have ever known. The French press law of 1881 resolutely and absolutely rejected the doctrine of indirect provocation. It is not necessary to keep the law quite within these bounds. A law remains at least clear, if it condemns specified forms of provocation though not inciting specific acts. What is objectionable, is to treat words not contemplating immediate or specific criminal acts as the first step in the commission of crime, though the crime be never committed. It is this doctrine that opens the door to partisan and political administration of justice by leaving conjectural deeds to be conjured up in the imagination of a biased or pliable jury as the psychologically possible and therefore presumably intended consequences of verbal attacks. It not merely strikes at agitation, but strikes at it by pretending to strike at common crime.

It is certainly much more honest to deal with agitation directly, for that requires a square facing of the issue. And that issue has been revived by the criminal anarchy and sedition laws recently enacted in so many of the states.* Agitation differs from comment and discussion, which in peace time at least are not seriously imperilled, in that it is political action, for it aims at immediate effect upon public opinion. That the action is political does not give it a charter of immunity. Agitation inviting the use of criminal methods for the attainment of political ends may be brought legitimately under the ban of the criminal law; whether and to what extent this should be done is a question of legislative policy or expediency. The French law forbids the glorification ("apologie") of crime, our new laws punish the advocacy of crime or of force and violence. Inconsistent as the American legislation may be with the inherent right to revolution repeatedly proclaimed by American statesmen (See Chafee, page 223), this inconsistency is not a conclusive argument against it.

It is a very different matter to punish the advocacy of the overthrow of government, or opposition to all forms of government without mentioning force or violence, or as necessarily implying force and violence. As well might all strikes be forbidden on the same theory. The assumption is equally unfounded in either case. This form of legislation undertakes to treat subversive agitation as a crime. No other form of legislation raises the issue of freedom of speech and press as squarely as this. It may be suspected that to many good Americans the pursuit of subversive tendencies is more odious than common crime, and it may be a bitter pill to swallow: but if our fundamental institutions must remain immune from attack, we have no political liberty. I have full confidence that American courts can be relied upon to declare this form of legislation unconstitutional. Congress, in excluding or expelling anarchists, acts upon the theory that political liberty does not extend to aliens, a proposition generally accepted. Germany in 1878 legislated against socialists; this was clearly understood to be an impairment of normal political rights; the measure was therefore enacted wth a time limit, and after its futility

* See the chapter in Professor Chafee's book entitled: A contemporary State Trial.

*A list is given in Appendix V of Professor Chafee's book.

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had been demonstrated by the phenomenal growth of the proscribed party, it was allowed to expire.

Some criminal sedition acts speak of violence and "other unlawful means." This form of expression again changes the problem from one of freedom to one of good law. What precisely, short of violence, constitutes unlawfulness? Until a Supreme Court makes up its five to four mind, no one knows. There is the general strike, the political strike, the strike of public employees, the sympathetic strike, the secondary boycott, all "adhuc sub judice." We have recently seen the disfranchisement of a political party, and that in the name of law and conservatism. All these may turn out to be unlawful methods; and political agitation is at the risk of their being so declared. That does not look like liberty, and it is certainly vicious law. If it is impossible to define in advance, it is unjust to punish, unless action is in the nature of mere license. If there are common law precedents to the contrary, they reveal a defect of the common law.

If political liberty had to look for its standards to the common law, it would have a precarious standing. It is the lack of definite content of common law political rights that makes unspecified constitutional guaranties of free speech and press liable to narrow interpretation. The whole matter of guaranties was rather indifferent so long as absolute toleration and even wide license were in accordance with general sentiment and practice. The suspicion of disloyalty during the war, and the dread of radical attacks upon the established economic system raised an issue that for decades had been dormant. The demand for legislation meant restrictive legislation, and not, as in the case of the French press law of 1881, a demand for legislative emancipation. The interesting feature of this French emancipation was that it consisted largely in the insistence upon legal doctrines of criminal responsibility and of definition of crime which neither our legislatures nor our courts recognize. Concede for the sake of argument that our courts are powerless in the matter; our legislatures are not. Our legislatures, however, cannot be expected to act intelligently, unless there is abroad among the legal profession a sense of what both liberty and justice demand in the matter of political legislation. That sense was absent because there was no experience to awaken it. That experience has now come, and let it be hoped that if the inclination to repress freedom of utterance continues, it will be at least expressed in laws which advise the people of what is lawful and what is not.

ERNST FREUND.

CORRESPONDENCE

A Question for Secretary Colby

SIR: Secretary Colby is quoted in the New York Times of January 30th as saying that "the Soviet authorities announced [presumably a while ago] that they would not be bound by their most solemn pledges, freely entered into." What is the basis for this statement? It would not seem as if Mr. Colby could make it, were there not some foundation for it. The alleged fact is given as the principal reason for refusing to recognize the Soviet government—and it would seem to be reason enough, if it were true. The other reason advanced—namely, that the Soviet government is a denial of self-determination to the Russian people and the oppressive rule of a minority—can hardly be sincere, as this country did not fail to recognize the Tsar's government, though it was also a denial of self-determination to the Russian people and the oppressive rule of even one man.

WILLIAM M. SALTER.

Washington, D. C.

[We do not know of any adequate basis for Secretary Colby's statement.—THE EDITORS.]

Miss Lulu Bett: A Contrary Reaction

SIR: I have just been to see Miss Lulu Bett, which I expected to like as so many people, whose opinions I genuinely respect, have praised the play highly. So I am doubly disappointed at having found myself sucking the same old adulterated lollypop, so cloyingly sweet, despite its emancipated wrapper.

Perhaps I am irritated the more because it came so near "getting" me. I am wondering if we really are in such serious straits that the realities are too much for us and we are forced to seek refuge in an infantile dream world where good is good and bad is bad, and the good triumphs and nobody gives a hang what happens to the bad (even when symbolized by creatures capable of feeling pain). Are we so futile that we require an outlet for a general accumulation of helpless bitterness by slinging stones at stuffed scarecrows which would not fool a child? The play seems a bit of left-over war psychology.

Spending a whole evening hating two old-time stage villains with length and breadth but no depth, not to speak of relativity, got mighty monotonous after the first bit. If it only had had speed, variety or novelty to hold one as unreality. But as reality—! Haven't we the courage to triumph over those who hold us back despite our knowledge of their common humanity, their pitiful frailty (so like our own) and the fact that they also suffer, even as we, from the limitations and inhibitions imposed *on* as well as *by* them? Only such a realization can prevent atrocities. In other words can we not give the devil his due and recognize that we are all wanderers in a mostly unknown universe where none of us are very much better off than the rest, so why not strive, at least, for a little understanding?

HELEN GUTHRIE.

New York City.

Normalcy, 1921 Model

SIR: Your article on Business vs. State in Germany has crystallized several discrete facts into what seems a plausible hypothesis with which to formulate present processes in industro-financial circles.

The article suggests the development of a super-trust which can function profitably in central and eastern Europe despite the governmental breakdown and the general collapse in those regions. Is not this identical process now going on the world over? Banks and industries are refusing to be hamstrung by the political bankruptcy which looms so threateningly. Within recent months the papers have been full of identical processes in almost every land: a Canadian Steel Trust, amazing bank fusions in England; a campaign against the excess profits tax here to relieve industry from the burden of war debts, and render its accounts inviolable from government scrutiny. This same movement accounts for most of Lloyd George's majority in England, and it is largely instrumental in deciding the policies of France and Japan along precisely these lines.

Big business wants to pass the buck, and let others pay the bills. It is back to normalcy, 1921 model!

DAVID N. BEACH, JR.

Guilford, Connecticut.

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Books and Things

IT was in Dresden, that pension, on a corner and up several pair of stairs, in a flat with a long L-shaped corridor, where the younger son of the house was accustomed to walk up and down, once or twice a week, playing the violin. The older brother played the flute, at the far end of the corridor, secludedly. A still older sister gave a piano lesson every day. It was the father of the family, a man aged, benevolent and choleric, who taught people singing. To this concourse of sweet sounds, which instigated many a walk abroad, I owe my surprising familiarity with Dresden. More than once I even visited the Dresden Gallery. Can you wonder that my memory of Germany, although mine is an unretentive ear, and although twenty-five years have been devoted partly to forgetting what I heard there, is still somewhat auditory?

Soon after the outbreak of the war, however, auditory memory gave way to visual. I don't mean that I had a sudden vision of Dresden und Umgebung, or that my eyes focussed upon local-colored incidents, such as the passage through the streets, at Christmas time, of cakes of great acreage on stretchers which two men carried. No, my memory, I regret to say, was vulgarly tendencious. By its light I saw a dog, small and sociable, and I saw an officer kick him off the sidewalk. By its light I saw another officer, also dressed in pale blue, crowd a woman into the street. A memory better trained would have seen both these officers as Prussians. Mine, while refusing to take them out of their Saxon uniforms, did grant me, as the war progressed, power to add to their number. And the numbers came. Lots of officers crowded lots of women off sidewalks. I seldom caught an officer in the act of doing anything else.

What kept me from telling pretty much everybody, in August and September, 1914, that I had always known the day would surely come when Germany would show herself in her true colors, presumably of the same blue with the uniforms of those unmannerly officers? Was it an arbitrary preference for the truth? Or was it rather that pretty much everybody, quicker off their marks than I, had already told me that he or she had always known and always said what there had, in fact, been none to know and very few to say? Yes, that was it, rather. Little the satisfaction and less the glory of being a prophet among prophets. If Cassandra's gift had been shared in fancy by all the numerous progeny of Priam, by those born in wedlock and those born elsewhere, and if, surviving the fall of Troy, they had met to say "I told you so," would not Cassandra, silent, have let them run on? My acquaintances had no sound reason for thinking they had been prophets. They had something better than reason. Stat pro ratione voluntas.

And yet, in those early days of the war, when Schrecklichkeit, on such a scale and so organized, was still something new under the sun, I fell to reading German again. Not Bernhardi, not Reventlow. I was stalking shyer game, looking for indirect revelations, by novelists and dramatists and poets, of such an underlying substance, such an Echtdeutschheit-an-sich, as would account for the German behavior. Les choses valent toujours mieux à leur source, I had heard, so I strove to remount the stream of German feeling to its springs. What I found was not much to my purpose. For one passage which did seem to give Germany away, in advance, long before she ran up the flag of a bristling pedant-pirate, I found many passages which I could not get into my willed picture.

In saying this, moreover, I am not any too sure of my ground. Perhaps I am not telling the truth. This sudden interest in German may have had a different origin. When I was ten or twelve years old a couple of barbers, dwelling on the wrong side of Beacon Hill, Boston, picked out a suitable night, walked over to the right side of Beacon Hill, and murdered one of the rich and childless bachelors who abounded in that region. For several weeks thereafter I frequented Joy Street, which lay somewhat off my beat, in order that I might stop opposite the house which the newspapers of the period, using a formula still cherished in newspaper offices, called the scene of the tragedy. At that house I would stare long and earnestly, fascinated, my hair almost horrid. Perhaps my interest in German books, during those first days of outrage, of criminal impulse directed by methodical and miscalculating leaders, was but another item in the same column with my interest in the Joy Street murder.

However that may be, this propensity to German books lessened as the war uncoiled its length. Long before November, 1918, I had somehow left off reading them. Not until lately, conscious victim of a rising illusion, feeling a little as if all the pre-war Germans were dead and gone, feeling more and more as if their land were now peopled by a race that has come into being overnight, have I tried to find my lost sense of continuity. The likeliest way I could think of was to reread things that Germans had written before the war, and that are still read in Germany. Some of these were old; others, and not by a long chalk the least beautiful, of recent date. Here, for example, is a poem by Stefan George, from Sieg des Sommers, in Das Jahr der Seele, written about 1897, I think:

Gemahnt dich noch das schöne Bildniss dessen,
Der nach den Schluchtenrosen kühn gehascht,
Der über seiner Jagd den Tag vergessen,
Der von der Dolden vollem Seim genascht?

Der nach dem Parke sich zur Ruhe wandte,
Trieb ihn ein Flügelschillern allzuweit,
Der sinnend sass an jenes Weihers Kante
Und lauschte in die tiefe Heimlichkeit.

Und von der Insel moosgekrönter Steine
Verliess der Schwan das Spiel des Wasserfalls
Und legte in die Kinderhand, die feine,
Die schmeichelnde, den schlanken Hals.

I like to fill my ears with the sound of this, to realize that this music is still heard in Germany by many of the old listeners, and with the old delight. I admit, of course, that few poets can get out of the German language anything remotely like Stefan George's effects. Nor is it by remembering beautiful sounds, after all, that I recover that lost sense of continuity most completely. In Dresden, at this hour, there are doubtless many flats as cacophonous as the otherwise pleasant one that I inhabited, flats where the music-lover and the music-hater are for a moment united in their discomfort. And in Dresden, about an hour from now, precisely as in the old days, another sound will be heard in every music-making room. Somebody in the room above, somebody who knows the city ordinances, will pound on the floor, and the music will come to a stop.

P. L.

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Debatable Ground

Debatable Ground, a novel, by G. B. Stern. New York: A. A. Knopf.

TO H. G. Wells this novel is dedicated, and it is only fair. It is faithfully modelled on Well's tendency novels. But the subject, or rather subjects, are honestly Miss Stern's. The first is the New Generation of English girls, their free conduct and their process of trial and error and their attitude toward so-called emancipation. The second is the English Jew. Miss Stern takes England in wartime, and shows the Jew in search of a country and in search of his soul. The two subjects are woven together.

It is an exceedingly interesting novel. Miss Stern is clever, with a sound grasp of Wells's dazzling technique. The defect of the method is that she is out to exhibit tendencies. This means that, being interested in points, she is interested in persons chiefly as a means to her ends and, roughly speaking, no person to her is an end in himself or herself. She is satisfied if she arranges her points artfully and effectively and clothes them with something that looks like flesh and blood. Being an astonishingly close and lively reporter, there is a general appearance of life. Her people talk naturally, act interestingly and fulfil the manifold purposes of their managing director. There can be no doubt that she has a good fat supply of raw material. But her people do lack a certain air of freedom. They are pitilessly determined to suit the observer's needs. Miss Stern is never at a loss about them, but neither is she ever at ease about them. Like Wells, she is more occupied in authenticating a view of persons and ideas than in exploring the emotional consequences of a view already authenticated. Hence there can be no mystery or intuition or evocation. Her people are straight from an area that has just been mentally scavenged, and she is as definite about them as a brass tack. It is, on the whole, satisfactory, or, rather, interesting, but it makes one feel that if you want bright effectiveness in the novel so badly as this, you apparently get it at the cost of emotional communication. It is like the use of painted furniture. By the lavish use of such brightness, you do not merely arrest attention. You run a ring through attention's nose. And attention thus perfectly captured has a way of reacting against its monopolist, or at any rate of hardening up just because of the intensity that is engaging it—like an egg too hotly boiled. The milder emotional reciprocations are not so remarkable. They provide a less arresting novel. But, in the end, one isn't so thumped into reciprocation and there may be a deeper aesthetic result.

Still, this is a mighty sharp-eyed and sharp-tongued novel. What Miss Stern is out to show is, first, that a young pugnacious Jew could easily be a good Englishman if they'd let him, and, second, that a Jewish girl without great fastidiousness and without great passion might just as well marry respectably and be done with it. To these two themes she gives perspicuity by showing us the variants on each theme. Thus, in the case of Richard Marcus, we have to right and left the gruff old German Jew, his honest and placid pro-English son, the ardently pro-English Jew who talks with an internment camp accent, the definitely Continental Jew who is at heart a Zionist; and the women pendant to these men. In the case of Deb Marcus, Richard's sister, we are orientated by reference to the young woman born chaste, the woman born promiscuous, the monogamous woman who lives outside wedlock, the polygamous woman who lives inside, the conventional sensual English suburbanite and the unconventional Continental operatic and boarding-house star. Related to these there are found the suavely possessive male, the Philistine proprietory male and the Bohemian proprietory male, with the sexless man and the over-sexed man and the man who is an artist in sex. It sounds more ordered and more bristling than it is. Miss Stern covers the trail of her deliberateness quite well. But the deliberateness is there, and it serves to bring into intellectual perspective the two personalities she is most alive to, the personality of Richard and the personality of Deb.

For the sake of Richard Miss Stern might have written this book. She accepts him. Her first Part shows Richard, straight from an English public school, visiting in Germany before the war. To borrow her own quotation, there is "No German Taint Here." Having at once exemplified and propitiated English feeling, especially by attributing to the Teuton much that is clearly Jewish, Miss Stern proceeds to prove the hardship it is to Richard to be classed as an enemy alien in the England he loves when it was by mere accident he was born in Germany. The boy is evidently English in language, in shibboleth, in curtness, reticence, in free-masonry. He actually finds himself Hun-hating and Hun-hunting after the Lusitania. But the fact stares at him that he is technically a German. He cannot, although his whole nature craves it, join up to go to the Front. Miss Stern dramatizes his position with real sympathy and insight, and incidentally she depicts the other Jews of their set, the Jew as father, as child, as patriot, as love-maker. She even shows Deb reconciling herself to an overwhelmingly tribal marriage because it is a way of escape from all kinds of dubiety and because it promises Richard his one chance to be naturalized.

Deb makes no attempt to disguise her disgust at marrying the whole Phillips' family in the person of Samson Phillips, but it does not keep her from reverting at the end to the code of old Hermann Marcus, who says "weaklings! short-sighted weaklings, with their foolish chatter of 'Liberty for the young.'" That reversion is stated with the uttermost frankness. "I couldn't bear to see her [my daughter] muddling and experimenting as I've muddled and experimented; a failure as I've failed. She must learn to please the Phillips family, and conform to Phillips' standards. For her, there's only happiness in conformity . . . The Jewish girl isn't meant to be a pioneer of freedom."

Nor the Greek girl, nor the Sicilian girl, possibly! But Deb at the game of making the lumpish Samson happy, Deb trying to explain why she is a virgin when she said she wasn't, Deb surrounded by the whole Phillips' family "jabbering and shrieking and with white teeth all aflash in their olive faces" over their newest joke, invites one to interesting reflections. She gives up being what she calls "cornery and defiant." She admits herself pliable, accommodating, imitative, and sees "tolerable comfort and resignation ahead." Is it, as she says, racial? If so, it matters little that, "thank goodness, in England you could be a Jew, and hardly even know it." It restores the whole business of being a Jew to the level established in the wonderful outburst of David. "The Jews *are* a nation. If it were only a theological difference, why should that have affected such a very marked distinction of feature and temperament? Going to Synagogue instead of to Church doesn't alter the curve of a nose. Of course we're

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a nation apart, apart and scattered—but racially the most united in the world. And that's another of my private reasons for wearing khaki—because the English have been good to the Jews, have given them sanctuary and treated them as equals. They have a claim on our services. While Germany has always behaved like a swine to Judea . . . I'm *not* a pro-German, Marcus, but there's a kinship between English Jews and German Jews and Russian Jews and Italian and American and Polish and Rumanian and Austrian Jews, that no war ever waged can entirely destroy. I don't want to see a Jew hurt—and, oh God! I don't want to hurt another Jew. We're a race of artists and financiers and wanderers—not of fighters.'

"'. . . Pater says that Jews are ardent patriots by temperament.'

"'Yes, with nowhere to put it. All countries, and no countries, and the countries from which we've been driven, and the countries where we hope to go back.'"

Richard doesn't see it. He accepts the accusation, "You're only a semi-Jew, Marcus, in spite of the rich promise of your face." He knows England rejects him but he turns back from suicide saying My England, My Thames.

In these revelations of torn and wounded lives Miss Stern is illuminating. She is at once impersonal and passionate, strongly aware of injustice and misunderstanding, yet defiantly and jauntily frank. This goes with the wetted thumb that turns the page of nature, with occasional banal cynicisms and such slight aberrations as "Spencer" for the man who wrote The Fairie Queene. But where in the case of the earlier Wells, exasperation led to aggressive social criticism as well as busy self-consciousness, it leads in Miss Stern's case to a picture of opportunistic tribal marriage and frantic war-patriotism. This is, perhaps, tendency reported in the best of good faith. As such, it is welcome. But between it and the novel not absorbed with tendency the distinction becomes more important than ever. F. H.

The Frontier in American History

The Frontier in American History, by Frederick Jackson Turner. New York: Henry Holt & Co.

IN the literature of American history there is perhaps no essay or article more often cited and quoted than Professor Turner's Significance of the Frontier—the first in this collection of papers. Written nearly thirty years ago when the centre of the stage was held by the historians of New England and the Teutonic enthusiasts of Johns Hopkins, it came like a breath of fresh air into a realm of provincialism and mythology. Finding the Great West neglected by historians from the eastern coast, Professor Turner chose this almost virgin field for his life's work and with laudable enthusiasm he laid on his emphasis in hammer strokes. The influence of his labors was immense and salutary.

On subjecting this remarkable and now historic essay to a microscopic analysis we find that of its thirty-eight pages fully one-half are narrative and descriptive, and bear on the main theme only by way of illustration. The positive declarations that may be definitely coordinated under the title, Significance, are four in number and will here be considered seriatim.

In the first place we are told that "The existence of free land, the continuous recession, the advance of American settlement westward explain American development." Though we remember that the paper was read at Chicago in 1893, a year before the Pullman strike, we respectfully submit that the statement is too broad and sweeping. It is certainly questionable whether even up to that time the frontier or the whole agricultural West had exercised a more profound influence on American development than either the industrialism of the East or the semi-feudal plantation system of the South. The agrarian West, slavocracy, labor, and capitalism do largely *explain* American development up to 1893, but certainly free land and the westward advance of settlement alone do not. The interesting thing about the statement is the economic implications put forward at a time when most of our professional historians were dealing in shadow politics.

In the second place we are told that "The frontier is the line of most rapid and effective Americanization. . . . The frontier promoted the formation of a composite nationality for the American people." This may or may not be true. When we recall the tenacity with which the frontier Germans in colonial Pennsylvania clung to their language, customs, and religion and the comparative ease with which the Dutch families of New York City lost their language and national characteristics, we may question the statement that the frontier is after all "the line of most rapid and effective Americanization." At best it is merely an impression. The data for proving it are not yet assembled. There seemed to be about as much "Americanism" among the polyglot inhabitants of New York City during the recent war as among the German and Scandinanian farmers of North Dakota.

In the third place, we are informed that "the legislation which most developed the powers of the national government, and played the largest part in its activity, was conditioned on the frontier." Here reference is made especially to legislation in regard to land, tariff, and internal improvements. "Condition" is a strong word and very probably Professor Turner would qualify it if he were writing his essay today. The legislation in question was "influenced;" but it was not "conditioned" except in the sense in which it was also "conditioned" by the demands and pressures of eastern capitalists and workingmen and southern planters.

In the fourth place Professor Turner writes, "Loose construction increased as the nation marched westward." True enough on the whole—chronologically speaking—but not necessarily on account of the westward march. When the party of Hamilton with its fiscal and tariff program had possession of the government, it was for loose construction. Certainly there was no period more "loose" than that between 1789 and 1795. Jefferson could be loose enough in buying Lousiana—more land for his blessed farmers. Calhoun could be loose in advocating a tariff in 1816 for his blessed planters. As for the West, Mississippi, Louisiana, and Texas were as west as Ohio, Indiana, Illinois, and Iowa but, being planting states and economically against tariffs, ship subsidies, and national banking systems, they were generally speaking as narrow as the Hartford convention. So what becomes of the idea that there was anything "loose" in constitutional construction by the West as West? Western capitalists even in Colorado and California were not loose constructionists on the income tax of 1894.

As to Professor Turner's other generalizations there can

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be little quarrel. The West did perhaps promote the development of political democracy, but it was coming before there were any states beyond the Alleghanies. It came in England which has not had any frontier recently. The West was characterized by much vigor and initiative in restricted fields. To swing an ax against hickory trees develops arms and hands quite different from those produced by cutting coupons or holding tea cups.

On penetrating to the heart of Mr. Turner's reflections, we find that he is in fact thinking of American history mainly in terms of economic group conflicts. "The West, at bottom," he says on page 205, "is a form of society rather than an area." As here conceived it is the area occupied by freeholders generally in debt to the Older East and dependent upon it for manufactures, capital, and markets. Hence the antagonism. When twenty years after his first important essay on the frontier Professor Turner reviewed the new transformation in American history, he directed his attention to steam production and large scale industry. In this later essay he tells us how "we may trace the contest between the capitalist and the democratic pioneer from the earliest colonial days." But strange to say he says very little indeed about the conflict between the capitalist and organized labor which has given us so many important chapters in our legislative and economic history. On this point our orthodox historians are silent. The tabu is almost perfect. The American Historical Association officially is as regular as Louis XIV's court scribes.

The remaining essays in this interesting volume deal with the frontier of old Massachusetts, the advance of the colonial frontier in general, the Middle West, the Mississippi Valley, and the social features of frontier life. It is needless to say that they are all original, well-documented, scholarly, and informing.

CHARLES A. BEARD.

The Head of an Oxford College

The Life of Sir William Anson, edited by H. H. Henson. New York: Oxford University Press.

SIR William Anson was the head of a College famous even in Oxford for its graceful ease and resplendent hospitality. He was the author of a text-book on law which has proved useful to immature lawyers. He wrote three volumes on the English constitution which, without profundity, embody a good deal of quiet and even useful research. He was for many years member of Parliament for the university, an under-secretary for the Board of Education, and a Privy Councillor. He taught law for several years, and sat on a good many university boards. Being a rich man and, in an unostentatious way, cultured and dignified, he could entertain without encumbrance. From these materials Bishop Henson and his coadjutors have striven to show us that their friend was a person of importance.

They have much on their side. It is difficult for the head of an Oxford college not to be an important person. He symbolizes a great tradition. He lives in an atmosphere which has not a little of cloying magic about it. His world is an unhurried world in which the passion of great events has little place. Where a new building should be placed, who should be the next professor of Latin, whether the new fellow will make a graceful addition to the senior common room, it is amid matters such as these, that he moves restfully on his way. There are estates, of course, to be seen to; and now and again an inconvenient question like a change in the examination system, or provision for a new subject like psychology, will mar the unrippled peace. And, occasionally, a vigorous personality like that of Mark Pattison or Jowett, will draw the world outside to peer within the cloistered walls. Oxford, of course, knows well that she is the nurse of statesmen; and heads of colleges are, as a rule, men who have dearly bought their rest from such intellectual midwifery; and it is always a part of their task to preserve existing institutions from the relentless onslaught of the young. But, for the most part, their occupation is an amiable sedative to thought. Noble rooms in which to live, a cellar made rich by the luxuriant prevision of their predecessors, an occasional visit to the kindred amplitude of the Athenaeum, there is nothing here in which to detect a noisy, shiftless world outside where, often enough, the very thoughts of men are acts.

Amid such surroundings, Sir William Anson moved as to the manner born. Rich and of good family, a sound Churchman, a Conservative who accepted democracy with the dignified half-weariness of one to whom criticism is distasteful, enough of a scholar to be pleasant without the profundity that makes the bore, he was armed, cap-a-pie, in all the panoply of the man of the world. He knew everyone who is really worth knowing, bishops, professors and statesmen; and he possessed a charming country house to which he could retire with them. When he went to the House of Commons, his attendance was rarely marred by the interruption of a speech. When he became a subordinate minister, he learned his points with sufficient conviction to impose them upon an assembly then drawing, under Mr. Balfour, to the close of its period of otiose leisure. He wrote his books; and his friends, some half-dozen of whom were really competent to judge, said that they were good. At any rate Anson on the Constitution became a kind of password to the Schools of History and Jurisprudence; and enough men found their references useful to transform him into an authority upon constitutional practice.

So, when the struggle came over the veto of the House of Lords, Anson on the Constitution could attack the Parliament act as an unconstitutional novelty; and, if he contributed nothing of suggestiveness to the debate, at least country squires who knew that the abolition of the veto meant the inauguration of land taxes, could take comfort in the thought that Anson on the Constitution was on their side. And when the struggle over the third Home Rule bill followed, he could argue with similar authority, that Mr. Asquith had no mandate for the purpose. Then he could go back to Oxford to discuss whether a new science laboratory should be erected in the Parks or built more remotely to preserve the landscape. In fullness of time Mr. Asquith made him a privy councillor; Mr. Balfour had unaccountably forgotten him in the bustle of retirement from office. When the Prince of Wales came to Oxford, Sir William donned once more the harness of tutor and taught him constitutional law; nor was he ever absent from tuition save when the King once desired an audience of the Prince. It is a blameless life, full of unhurried attention to solemn trifles, and without the obtrusion of those inconveniences which, like poverty and disease, and dirt, sometimes trouble less quiet and delightful souls.

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What one wonders is whether this model of Oxford leadership in the last generation is also to be her model in the next; whether, to put it bluntly, she is to be a museum for the preservation of antiquities, or a laboratory for the making of experiment. No atmosphere is so satisfying, no ease so delightful as that of Oxford. Men gathered there rarely fail to attain that conscious knowledge of effortless superiority which is the hallmark of a class destined to govern. Yet there are signs, at moments, of inquietude. Undergraduates from grammar schools and secondary schools take the room which was surely meant for noblemen and gentry. Material subjects like psychology and administration demand an equal place with the obsolete theology and the almost obsolete metaphysics which still do duty for an education. Men with a scientific knowledge of biblical scholarship demand access to professorships equally with the zealous churchmen who are more interested in staying dissent than understanding the Trinity. Working-men come to Oxford in summer-schools and dream of her as adapted to their requirements. Sometimes Oxford men who have relapsed into science (usually they were trained in Cambridge) wonder if a little of the money which now retains clerical dons for half-empty chapels could not be used to endow laboratories. Occasionally, a doubtless disappointed competitor for a fellowship gets angry at the genial nepotism of the colleges. And the war intrudes horridly on college incomes, bringing democratic control nearer and finances lower until that dreadful inquiry, so carefully postponed, impinges on the Oxford consciousness. Then, with that diplomacy which is its greatest asset, Oxford organizes a commission manned by the most faithful of her sons, with an odd labor member whose support can be counted upon; with the secure knowledge that the changes to be recommended will leave her unchanged in her cherished peace.

Such an Oxford, of course, will breed Sir William Ansons so long as it persists; and their friends will portray their charm to the third and fourth generation. An American Rhodes scholar, moved by the old world-courtesy, the mellow wine, the faint mustiness of the volumes that crowd the walls, will come forward, doubtless, with a defence of its right to exist. But an outsider will think not merely of charm and ease and dignity, but of universities organized to serve the community, of centres of eager research, of laboratories where great hypotheses are made and tested, where truth is made known in defiance of church and state. And he will want it to be a centre, too, of that international mind by which alone we can avert the disasters of these years from the next generation. One is almost tempted to suggest that mediaeval Oxford must be remade, were it not that no past can ever be remade. But the colleges must scan the horizon of the future, if they are to justify their existence. The causes for which they stand must be the causes of tomorrow, not the dreams of a world that has passed away.

H. J. Laski.

War-Changed London

Out and About London, by Thomas Burke. New York: Henry Holt & Co.

THAN Nights in Town no better book has ever been written about London. Fifty years hence that superb collection of sketches, with the fine interstitial lyrics, will surely be read with delight. The thrilling sadism of Limehouse Nights is memorable too. As impossible, of course, as The Pit and the Pendulum, but every whit as exciting. In this latest book however "little Tommy Burke,"—as everybody in London calls him,—has woefully declined and fallen. Out and About London is even more disappointing that E. V. Lucas's recent More Travels in London. This time he is writing about a London that has suffered war-change. The big town isn't what it used to be, he mourns. Neither is Tommy. And what a golden opportunity he had! He could have told us of those long lines of fearful people standing at the entrances of the "tubes." He could have described a Zeppelin raid in the East End. He could have anatomized for us the shaken Londoner who had thought that war in streaming London's central roar was about as likely a contigency as peace in hell. But nothing of this is here. Instead, he fills a book of nearly two hundred pages with groans and lamentations for the carefree ante-bellum days that are no more, and the pubs and bars and inns and restaurants that are only "squalid, dirty models" of what once they were. Even when Tommy abstracted five pounds from his cash-box and sallied forth with firm intent, "what had promised to be an empurpling of the town seemed like to degenerate into a spelling-bee." The occasional forced gusto enkindles one no more than does a glass of stale champagne.

But one must not despair of Tommy.

> The lamentable change is from the best;
> The worst returns to laughter.

It might do him good to come over here and see America thirst.

H. A. L.

Selected Current Books

The Origin of Man and of His Superstitions, by Carveth Read. The Macmillan Co.

> A contribution to ethno-psychology. Suggests that the hunting-pack was the first form of human society, and seeks to explain how the change took place from hunting-pack to settled tribe, and "why the human mind is everywhere befogged with ideas of Magic and Animism."

Posthumous Works of Leo Tolstoy. International Book Publishing Co.

> Stories, essays and dramas, translated, edited and annotated.

Trade Unions in Soviet Russia. The Rand School.

> A collection of Russian trade union documents, compiled by the British I. L. P. Information Committee.

Cicero, a biography, by Torsten Petersson. University of California Press, Berkeley, California.

> A seven hundred page biography.

The Needs of Europe, Its Economic Reconstruction. The Fight the Famine Council, Premier House, Southampton Row, W. C. 1., London.

> A report of the International Economic Conference, held at Caxton Hall, London, last October.

Contributors

Sidney Howard is a graduate of the University of California, where he was a student under Carleton H. Parker. Later he did graduate work at Harvard. He has written short stories and articles for various magazines.

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